

APPROVED: Meeting No. 44-88

ATTEST: *Margaret R. Gearin*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 34-88

September 13, 1988

The Mayor and Council of Rockville, Maryland convened in general session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on Monday, Sept. 13, 1988 at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilman James Coyle

Councilman David Robbins

Councilwoman Viola Hovsepian

ABSENT

Councilman Stephen N. Abrams - on Travel Leave

The Mayor in the Chair.

In attendance: City Attorney Paul T. Glasgow, City Clerk Margaret R. Gearin
and City Manager Bruce Romer

Re: Special Presentation - Certificate of
Recognition to Acting City Manager
Rick Kuckkahn

The Mayor and Council presented Rick Kuckkahn who was acting City Manager from November 16, 1987 to September 6, 1988 with a Certificate of Recognition for outstanding service to the people of Rockville, along with an engraved pewter cup and a framed copy of the Memorial Day Parade mural. Mayor Duncan noted that Rick came at a difficult time for the City and that he did an excellent job

until the new City Manager was hired. In addition, the Mayor thanked the staff who rallied behind Rick and worked hard for him and the City.

Councilman Robbins told Rick that the Mayor and Council and citizens owed him a deep debt of gratitude for keeping the City moving during an important period and expressed his satisfaction in knowing that Rick would be Planning Director in the future when historic decisions would be made on planning issues.

Councilwoman Hovsepian thanked all the City employees for working together and supporting Rick and the Council noting that she also appreciated how staff responds to the needs of the Council.

Councilman Coyle commented that most people recognize that City Manager is one of the toughest jobs and that Rick had stepped in and did a top quality job.

Mayor Duncan conveyed to Rick the thanks of Councilman Abrams, who was sorry he could not be at the meeting, for all Rick's efforts. In accepting his certificate, Rick Kuckkahn expressed his gratitude to the Mayor and Council, the staff, the Boards and Commissions, and the citizens for making his transition an easy one adding that now he knows "what an all-American city is."

Re: City Manager's Report

City Manager Bruce Romer reported the following:

1. Announced that weather permitting, the work on the New Street Bridge would soon be finalized. The Mayor asked for a status report on why the bridge replacement was taking so long.
2. Introduced Kevin Deckard, the new Finance Director from Alexandria, Virginia where he had been Assistant Finance Director.
3. Acknowledged Volunteer Recognition Day last Saturday and thanked the Mayor and Council, the hundreds of volunteers and the Recreation Department for

arranging the celebration.

4. Announced that Oktoberfest would take place in Court House Square on September 24th.

5. Reported on the status of the "Welcome to Rockville" signs at the entrances to the City:

The sign at Norbeck and Avery Road will be installed without delay and others will follow. In answer to questions from Mayor and Council, signs are scheduled for Route 28 and Glen Mill Road and Hungerford Drive and Gude Drive. Both intersections are scheduled for construction. Another sign is already in place on Montrose Road.

6. The Rockville Sister City Social will take place on September 29th.

7. The Fortune Parc testimony ended Friday, September 10, 1988 and the record will be open for ten days.

8. The new 1988 Rockville Street Map is on sale at the Cashier's for 75 cents.

9. Cable TV construction is taking place in the community. It is a temporary inconvenience, but it should be completed quickly. If there are any questions regarding Cable TV, call Don Vandrey who will answer questions at 424-8000, ext. 302. The mayor directed staff to answer questions being raised and to put additional information in Rockville Reports.

10. The 1988 Annual Report is available in the Public Information office.

Re: Proclamation Community Theatre Week
September 11-17, 1988

Proclamation No. 15-88

There being no objection from the Council, Mayor Duncan proceeded to issue Proclamation No. 15-88, proclaiming September 11-17th as Community Theatre Week. The proclamation was accepted by Mr. Kim Haug, President, Rockville Little

Theatre and Ms. Edie Anderson, President, Rockville Musical Theatre.

Re: Recognition Lakewood Elementary School:
20th Anniversary

The Mayor and Council congratulated Lakewood Elementary School on the 20th Anniversary of its founding and presented a certificate to the school's principal, Judy Kenney.

Re: Recognition of Sponsors of 1988
Rockville Rotary Twilight Runfest

The Mayor and Council presented certificates of recognition to major sponsors of the 1988 Rockville Twilight Runfest: Mr. John Pettit of Pettit & Griffin, Inc.; Mr. Anthony Bullard of Chestnut Lodge Hospital; Mr. Walter Gutowski of Maryland National Bank; Mr. Benjamin Burke of Albee Shoes; Mr. Steve Griffin of M.D. IPA; Mr. Spencer Golden of NeoMed LifeCenter; Ms. Cynthia Young of Cable T.V. Montgomery; Gary Clark of G.E. Information Systems; Mr. Roger W. Eisinger and Mr. John K. Kilbane of Rockville Metro Center; Mr. N. Richard Kimmel of Kimmel Properties; Mr. John Freeland of Greater Rockville Committee; Mr. Joseph Martinez of Anheuser-Busch, Inc.; and Mr. Davis Kennedy of The Rockville Gazette.

Re: Appointments

Mayor Duncan, with the confirmation of the Council made the following reappointments:

Montgomery Cable Communications Commission

Gregory W. Conville, Representative

Rockville Seniors, Inc.

Bernard Shannon, Member-At-Large
Rosalie Campbell, Member-At-Large
Charles Miller, Accountant

Re: Citizens' Forum

Mayor Duncan opened the meeting to those citizens who wished to address the Mayor and Council.

1. Thomas Curtis, 2519 Lindley Terrace

Re: Traffic problems in Rockshire with cars cutting through the Giant parking lot at Hurley Avenue and Ritchie Parkway.

Referred to staff.

2. Brigitta Mullican, President of Rockville Sister City Corp., 1947 Lewis Avenue

Thanked Mayor and Council for their support of Sister City Programs
Announced the visit of two groups of student visitors from Pinneberg in October and the need for seven more host families.

Introduced Ms. Randy Templeman, an exchange student from Pinneberg who is attending Richard Montgomery High School.

3. Richard Arkin, Chairman, Planning Commission, 525 Lynch Street

Welcomed Bruce Romer, the new City Manager and thanked Rick Kuckkahn for his performance as City Manager and Larry Owens for his services as Acting Director of the Planning Department.

4. Glen Looper, 118 Monroe Street

Re: Traffic patterns at the underpass at Park Road and at Middle Lane. Referred to staff for immediate action.

5. Brigitta Mullican, 1947 Lewis Avenue

Announced that Volksmarch was a two-day event scheduled for both Saturday and Sunday from 8:00 a.m. - 1:00 p.m. while the Oktoberfest was a one-day event.

Re: Adoption of Resolution approving City Manager, Bruce F. Romer and City Clerk, Margaret R. Gearin as signatories to City Bank checking accounts and authorizing examination of safety deposit box.

Resolution No. 19-88

This Resolution was amended at the request of the City Manager and his middle initial "F" was removed from the resolution.

On motion of Councilman Coyle, duly seconded and unanimously passed, Resolution 19-88, as amended, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted.

Re: Introduction of Ordinance: To generally amend Chapter 18 of the "Laws of Rockville" entitled "Flood Management"

On motion of Councilman Coyle, there was introduced upon the table an ordinance to generally amend Chapter 18 of the "Laws of Rockville" entitled "Flood Management" so as to bring it into compliance with recent Flood Insurance Program regulations; to raise the penalties for violations; to add, delete, and amend various definitions; to amend various submission, documentation, and notification requirements; to add provisions relating to manufactured homes and buildings; and to otherwise amend and add various provisions throughout the Chapter.

Re: Award of Cooperative Bid - Washington Metropolitan Area Transit Authority (WMATA) Bid #Y-33895

The invitation for bid was issued for the purchase of #2 Diesel Fuel by WMATA, acting as lead jurisdiction for members of the Council of Governments.

The following low bid was received:

Metallgesellschaft Corporation .4512 per gallon

The staff recommended award to Metallgesellschaft Corporation in the amount of .4512 per gallon.

On motion of Councilman Coyle, duly seconded and unanimously passed, award of Bid #Y-33895 was made to Metallgesellschaft Corporation in the amount of .4512 per gallon.

Re: Award of Bid #15-89 - Refuse Collection

The invitation for bid was mailed to 24 contractors and advertised in Blue Reports, Bid Net and FW Dodge Reports. The following three bids were received:

CONTRACTOR	YEAR I	YEAR II	YEAR III	TOTAL
Waste Management of Greater Washington	46,648.80	65,866.40	69,238.40	181,753.60
Browning- Ferris, Inc.	55,560.00	82,704.00	91,620.00	229,884.00
Poor Boy Maintenance and Refuse, Inc.	66,024.00	93,240.00	98,444.00	257,708.00

The low bidder, Waste Management of Greater Washington, is an experienced contractor currently providing refuse collection service for the City of Rockville. The staff recommended award to Waste Management of Greater Washington for Year I and Option Years II and III at the discretion of the Director of Recreation and Parks.

On motion of Councilman Coyle, duly seconded and unanimously passed, Award of Bid #15-89 was made to Waste Management of Greater Washington for Year I and Option Years II and III at the discretion of the Director of Recreation and Parks.

Re: Award of Bid #23-89, Ritchie Parkway
Roadway Dualization - Seven Locks Road
to Falls Road - Project 6E11

This bid covers the dualization of Ritchie Parkway between Seven Locks and the widening by the Maryland State Highway Administration on Ritchie Parkway near Falls Road as part of the Falls Road improvement. Nineteen bidding documents were provided to requesting contractors and of this number, five bids were received as follows:

Concrete General, Inc. - Gaithersburg, MD	\$693,665.25
F.O. Day Company, Inc. - Rockville, MD	742,960.50
Concrete Development Corporation - Rockville, MD	758,231.00
Genstar Stone Products Company - Frederick, MD	762,845.75
Nazario Construction Company, Inc. - Beltsville, MD	1,035,204.00

The engineers estimate was \$731,000.00. The low bidder, Concrete General, Inc., is an experienced road building contractor, capable of satisfactorily completing the work under this project and doing so within the time frame provided under the contract. The price bid is below the engineers estimate and represents a price favorable to the City.

On motion of Councilman Coyle, duly seconded and unanimously passed, bid #23-89 was awarded to Concrete General, Inc. in the amount of \$693.665.25.

Re: Award of Bid #25-89 to the Hawkins
Electric Company

Bids were opened on Tuesday, September 6, 1988 for the installation and modification of traffic signals at several locations. The work includes:

- * Installation of a new signal on S. Stonestreet Avenue at the entrance to the Rockville Metro Station, with special emphasis on pedestrian signals.
- * Installation of a new signal on E. Gude Drive at Rothgeb Drive in conjunction with the widening of E. Gude Drive.
- * Modification of an existing signal on Gude Drive at Taft Street in conjunction with the widening of E. Gude Drive.
- * Reconstruction of a signal at W. Ritchie Parkway and Seven Locks Road, in conjunction with W. Ritchie widening.
- * Installation of an interconnect cable through the Park Road underpass to improve signal coordination in the area.
- * Minor modifications at other locations in conjunction with roadway construction.

Five bids were transmitted, not including several released to construction bid listing services. One bid was received:

Hawkins Electric Company, College Park, MD \$152,450.00

The engineer's estimate was \$163,595. The single bid reflects the few vendors and high demand currently prevalent in the traffic signal construction market.

On motion of Councilman Coyle, duly seconded and unanimously passed, bid #25-89 was awarded to Hawkins Electric Company in the amount of \$152,450.00.

Re: Rejection of Bid #5-89 for clarifier
replacement drives at the water plant

Bid #5-89 for clarifier replacement drives for the water treatment plant was advertised in the Blue Reports, Construction Market, Bid Net, and FW Dodge Report. Eight specifications and bid document were mailed out; two responses were received:

Industrial Electric Company \$13,132.00
Baltimore, MD

Service Machine Shop, Inc. 21,639.00

The City's estimate is \$14,000.00. The Industrial Electric Company bid doesn't meet the specifications. The Service Machine Shop, Inc. bid is too high. On motion of Councilman Coyle, duly seconded and unanimously passed, agreed to reject Bid #5-89 and readvertise the work in two proposals: one for supplying just the equipment and the other to do the installation and start-up.

Re: Resolution to establish a fee of One
Thousand Dollars (\$1,000.00) to
accompany each application for a flood
plain variance

The proposed resolution was prepared by the City Attorney's office increase the application fee for Flood Plain Variance (FPV). Currently the City charges

\$100 to review a FPV application; the cost to the City of reviewing an application greatly exceeds the current fee.

After a general discussion, the resolution was referred back to staff for more information.

Re: Approval of on-site Storm Water
Management (SWM) Request #2-89 for
Monterra Subdivision at Wescott Place

An 11.5 acre site is located on the east side of Wescott Place in the Watts Branch drainage area. The property owner/developer, Construction Group, Inc., proposes to construct 13 single family homes on the site. To control the increased runoff on-site would require the construction of four SWM facilities.

On motion of Councilman Coyle, duly seconded and unanimously passed, a waiver was granted and a contribution of \$49,000 (2.45 impervious acres at \$20,000 per acre) will be made for the City off-site SWM program.

Re: Sole Source Agreement to Lease High
Volume Copier

A three-year lease agreement for the City's large volume copier, Kodak, expired on June 30, 1988. Acting Assistant to the City Manager Don Vandrey recommended entering a twelve-month lease (July 1, 1988 to June 30, 1989) agreement with Eastman-Kodak for the existing Kodak copier at a cost of \$1,730 per month for the first 25,000 copies, with additional copies costing \$0.0097 each. Total estimated cost is \$28,500.00 and funds were appropriated in the FY 1989 budget for this purpose.

On motion of Councilman Coyle, duly seconded and unanimously passed, the Council agreed to enter a twelve-month lease with Eastman-Kodak as outlined above.

Re: Adoption of Ordinance - To amend various sections of Chapter 14B of the City of Rockville" entitled "Electrical Code"

Ordinance No. 24-88

On motion of Councilman Coyle, duly seconded and unanimously passed, Ordinance No. 24-88, the full text of which can be found in Ordinance Book No. 14 of the Mayor and Council, was adopted. This ordinance amends various sections of Chapter 14B of the City of Rockville" entitled "Electrical Code" so as to adopt the 1987 National Electrical Code with certain modifications, to modify provisions relating to suspension and revocation of licenses, to amend the penalties provisions, to provide for appeals from decisions of the administrative authority, and to make certain other technical changes.

Re: Adoption of Ordinance - To amend Chapter 14 of the "Laws of Rockville" entitled "Building Code"

Ordinance No. 25-88

On motion of Councilman Coyle, duly seconded and unanimously passed, Ordinance No. 25-88, the full text of which can be found in Ordinance Book No. 14 of the Mayor and Council, was adopted. The ordinance amends Chapter 14, Sections 1-105, 1-401, 1-503, and 1-504, so as to adopt the 1987 BOCA National Building Code, with modifications, to delete certain modifications to the BOCA Code, to add the definition of administrative authority, and to amend provisions relating to appeals and to make certain other changes.

Re: Adoption of Ordinance - To amend Chapter 14F of the "Laws of Rockville" entitled "Mechanical Code"

Ordinance No. 26-88

On motion of Councilman Coyle, duly seconded and unanimously passed, Ordinance No. 25-88, the full text of which can be found in Ordinance Book No.

14 of the Mayor and Council, was adopted. This ordinance amends Chapter 14F, Sections 1-102 and 1-104 in order to adopt the 1987 BOCA National Mechanical Code with a deletion to delete the reference to the "Laws of Rockville" in the enforcement provision, to add a new Section 1-105 to provide for the administration of the chapter, and to add a new Section 1-106 to provide for appeals from decisions of the administrative authority.

Re: Adoption of Ordinance - To amend various sections of Chapter 14A of the "Laws of Rockville" entitled "Plumbing Code"

Ordinance No. 27-88

On motion of Councilman Coyle, duly seconded and unanimously passed, Ordinance No. 25-88, the full text of which can be found in Ordinance Book No. 14 of the Mayor and Council, was adopted. This ordinance amends Chapter 14A so as to adopt the 1987 BOCA National Plumbing Code with certain modifications, to amend the definition of administrative authority, to modify provisions relating to suspension and revocation of licenses, to amend the penalties provision, to provide for appeals from decisions of the administrative authority and to make certain changes.

Re: Adoption of Ordinance - To amend Section 1-102 of Chapter 14G of the "Laws of Rockville" entitled "Energy Conservation Code"

Ordinance No. 28-88

On motion of Councilman Coyle, duly seconded and unanimously passed, Ordinance No. 25-88, the full text of which can be found in Ordinance Book No. 14 of the Mayor and Council was adopted. This ordinance amends Section 1-102 of Chapter 14G in order to adopt the 1987 BOCA National Energy Conservation Code

and to add a new Section 1-104 so as to make a violation of the Chapter a municipal infraction.

Re: Approval of termination of contract
with Mr. Robert Adzema for Broome
Athletic Park Artwork

On motion of Councilman Coyle, duly seconded and unanimously passed, the Mayor and Council agreed to terminate the contract for artwork at Broome Athletic Park. Arts Division staff, working with the City Attorney's office, and with input from the Cultural Arts Committee, attempted to negotiate a mutually agreeable contract with the artist. During negotiation, however, proposed substantial changes in the nature of the artwork, and in the agreed upon level of City in-kind service resulted in lost confidence on behalf of the staff, Cultural Arts Commission and neighborhood representative in Mr. Adzema's ability to complete the approved proposal. The Mayor and Council agreed to pay the balance of Mr. Adzema's bill of \$700.00.

Re: Adoption of Ordinance - To authorize
public improvement for construction
of a sidewalk on Chapman Avenue

Ordinance No. 29-88

On motion of Councilman Coyle, duly seconded and unanimously passed, Ordinance No. 29-88, the full text of which can be found in Ordinance Book No. 14 of the Mayor and Council, was adopted. This ordinance authorizes public improvement for construction of a sidewalk in Chapman Avenue from Twinbrook Parkway to the South entrance to the Metro Station (Project No. 7C22) with entire cost to be borne by abutting property owners.

Re: Adoption of Ordinance - To authorize
public improvement for a sidewalk on
Lewis Avenue

Ordinance No. 30-88

On motion of Councilman Coyle, duly seconded and unanimously passed, Ordinance No. 30-88, the full text of which can be found in Ordinance Book No. 14 of the Mayor and Council, was adopted. This ordinance authorizes public improvement for construction of a sidewalk in Lewis Avenue from Matthews Drive to 700 feet southeast (Project 8G22) to be financed entirely by the City.

Re: Adoption of Ordinance - To authorize
public improvement for a sidewalk on
North Washington Street

Ordinance No. 31-88

On motion of Councilman Coyle, duly seconded and unanimously passed, Ordinance No. 31-88, the full text of which can be found in Ordinance Book No. 14 of the Mayor and Council, was adopted. This ordinance authorizes public improvement for construction of a sidewalk in North Washington Street between Dawson Avenue and North Street (Project No. 7A22) with entire cost to be borne by abutting property owners.

Re: Approval of Memorandum - Emergency
Management Notification Policy

A memorandum from City Manager regarding Emergency Management Notification Policy to define the role of the Mayor and Council in a declared state of emergency and the procedures to be followed that will ensure that the public is fully informed about the emergency and the steps being taken to manage the emergency situation was referred to the City Manager and Councilman Coyle for

further development and will be returned for approval on September 26th.

To emphasize the need for preparedness in a humorous way, Coyle presented the City Manager and the Mayor with disaster kits.

Re: Correspondence/FYI

The Mayor and Council commented on the following items of correspondence:

1. Re: Response to Mayor Duncan's letter from Robert S. McGarry regarding the use of PEPCO site for additional Metro parking. The Mayor asked the staff to initiate contact with Mr. McGarry concerning decking the existing parking lot through a Washington Metro Area Transit Authority (WMATA) joint development project at the Rockville station.
2. Re: Thank you letter from Greg Bayor to Swim Center Advisory Committee for their efforts.
3. Re: The Planning Department has addressed the issue of accessory retail sales in the I-1 Zone. This is in response to frequent requests to allow retail sales of commodities which are prohibited in the I-1 Zone. The attached memo to the City Attorney indicates the result of our analysis and proposed solution. The Mayor asked the City Attorney and the City Manager to review this memo from the Planning Dept. and to make recommendations for changes in the I-1 zoning.
4. Re: The City has completed its acquisition of the property known as the F. Scott Fitzgerald Park. This was completed with the receipt of a deed of conveyance from the Maryland State Highway Administration which has been recorded. The Mayor announced that the City had acquired F. Scott Fitzgerald Park from the State of Maryland and that the American Legion had requested that it be renamed Veterans' Park. He requested the staff to implement this request and plan a dedication ceremony at the Park on November 11, 1988.

Re: New Business

1. Coyle asked that a public work session be arranged with Montgomery County and Rockville Fire Departments to discuss a range of issues. The City Manager was directed to make the arrangements.
2. The City Manager was asked to arrange a Work Session with Montgomery County Board of Realtors to discuss their plan for affordable housing.
3. The City Manager was directed to arrange a briefing for the Mayor and Council on the Shady Grove Life Science Building.
4. The City Manager was directed to give a report in FYI at the next meeting on the status of the miniature golf activity in Court House Square and to investigate the possibility of a horseshoe pit.
5. The Recreation and Parks Dept. was directed to display American flags as requested by the Elks during their convention.
6. With the approval of the Council, the Mayor signed a proclamation in honor of the 175th anniversary of St. Mary's Church which will be presented on September 22nd at an anniversary concert at St. Mary's Church.

Re: Executive Session

On motion of Councilman Coyle, the meeting was closed at 9:10 p.m. for Executive Session to consult with Counsel.

Re: Adjournment

There being no further business to discuss in Executive Session, the meeting was adjourned at 10:05 p.m. to convene again in General Session on September 19, 1988 or at the call of the Mayor.